

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 11<sup>th</sup> DAY OF AUGUST 2008, AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Ron Bonnema	-County Engineer
	Marc Magruder	-Budget Manager
	Ruth L. Richey	-Public Information Officer
	Dari Jenkins	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711      (1)      Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Montgomery-Floyd Regional Library Board
2. Parks & Recreation Commission

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Prices Fork Elementary School Site

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

**OUT OF CLOSED MEETING**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	

## **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

#### **AYES**

Mary W. Biggs  
Doug Marrs  
William H. Brown  
Gary D. Creed  
John A. Muffo  
James D. Politis  
Annette S. Perkins

#### **NAYS**

None

#### **ABSENT DURING VOTE**

None

#### **ABSENT DURING MEETING**

None

## **INVOCATION**

A Moment of Silence was lead by Chair Perkins.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **DELEGATION**

### **Virginia Department of Transportation**

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County. Mr. Clarke reported they are in the middle of their paving season and expect to surface treat 15 miles of road in Montgomery County. They are also overlaying parts of US 460 and Radford Road. Due to the increase in the price of asphalt, VDOT had to cut some roads from the paving list this year.

At this time Board members addressed issues in their district.

Supervisor Politis received calls from citizens who are concerned about the weight limit being lowered on the bridge across Blue Springs Road. They are concerned that school buses still have to cross this bridge. Mr. Clarke responded that this bridge is on the district wide six-year bridge replacement list. There is money allocated for this bridge in FY 09-10; however, it will take four years to accumulate enough funds to complete this project. It is estimated that VDOT will start this project in three years. If the Board of Supervisors desires, this project could be moved up if the Board decides to provide funding from the secondary federal funds. Mr. Clarke cautioned that even if the Board provided funding the project could still be delayed, due to the list of bridges to be completed the Blue Springs Road bridge. He suggested the Board of Supervisors send a letter to the VDOT's District Director in Salem expressing their appreciation that the Blue Springs Road bridge is on the bridge replacement list and urged that it remain on the list.

Supervisor Muffo reported a drainage easement problem at 1204 E. Cedar Orchard Drive in Blacksburg. Mr. Clarke suggested he and Supervisor Muffo meet with the property owner at the site to address the problem.

Supervisor Brown reported problems along McCoy Road and Mt. Zion Road with the lack of shoulder along the road for vehicles to pull off. There were two separate incidents where a mowing contractor and a private vehicle pulled off the side of the road only to go into a ditch. He believes the ditches need to be built up.

Supervisor Marrs asked for an update on Woodrow Road and Crab Creek Road. Mr. Clarke reported that VDOT plans to begin work on Crab Creek Road in September. Blue Springs Road is second on the list, then Woodrow Road.

Supervisor Creed asked for an update on Mt. Pleasant Road. What is the time schedule to start Mt. Pleasant Road? Mr. Clarke replied that Mt. Pleasant Road is the next road for upgrade on the County's Six-Year Secondary Improvement Program. However, VDOT is having problems getting the right-of-way needed to widen the road. It is estimated that it will take 3-4 years to complete. Mr. Clarke stated that if they can get the right-of-way donated then VDOT could move forward without having to submit plans as they do when having to purchase the right-of-way. If they complete the road under the Rural Rustic Road program, then only 18 ft is needed, 16 ft for surface and 2 ft for the shoulders. This will also reduce the project cost.

Supervisor Perkins received a call from a gentleman who lives on Catawba Road who complained that when VDOT paved this road it built the pavement up around his driveway which caused the driveway to be lower making it uneven. He has called VDOT several times about this and he ended up purchasing rock for his driveway for safety reasons. Mr. Clarke replied he will contact the gentleman about this issue.

### **Courthouse Project – Update**

Jack Murphy, Thompson + Litton, provided an update on the Courthouse Project. Mr. Murphy summarized the project to date, stating that the proposed project consists of two phases. The first phase includes the Courthouse, parking structure, control plant, and jail access. Phase 2 includes the public safety building (renovation of the existing courthouse), jail improvements, utility system tie-in, and demolition/additional parking. The courthouse will have 98,500 sq. ft with four levels and the parking structure will provide 137 parking spaces with 2 levels.

Mr. Murphy reported the next steps are to review the site and floor plan design with the Judges and staff and to request parking structure requirements from the Town of Christiansburg. A preliminary review with the Town Manager on the parking structure was held and it was confirmed that there are no building or zoning requirements for a parking structure; however he would like to formally present the project and request direction from the Town Council as to what requirements are needed.

Mr. Murphy also provided preliminary pictures of what the proposed courthouse and parking structure would look like as follows:





By consensus the Board gave Thompson +Litton authorization to present plans on the proposed courthouse and parking structure to the Christiansburg Town Council.

### **PUBLIC ADDRESS**

Richard Rittenhouse addressed concerns with the proposed Norfolk Southern Intermodal Facility in Elliston. Mr. Rittenhouse reminded the Board that they are still opposed to the Intermodal Port being built in Elliston. He requested all information on action the Board has taken in closed meetings on the Intermodal Facility and what the outcome has been, if any. He urged the Board to consider adopting the ordinance presented to them by the Citizens for the Preservation of Our Countryside in order to give the Board the control they need to stop the construction of this facility in Elliston.

Chad Nester addressed concerns regarding the Riner Mobile Home Park located on Union Valley Road. Mr. Nester asked the Board of Supervisors for their help in stopping the illegal drug activity and prostitution going on within the park. Within a six month period the Sheriff's Department responded to 130 calls about illegal activity in the mobile home park.

Ellen Gargand also addressed the problems within the Riner Mobile Home Park. Ms. Gargand stated due to the garbage piling up there is an infestation of rats. She also expressed concern with personal items being stolen from her property and garden. She did install an 8ft fence, which did not help. She believes that the problems are only getting worse with the constant fighting and cursing of residents in the park. Ms. Gargand also expressed concern about unsupervised children in the park.

Curtis Harris expressed concerns with problems within the Riner Mobile Home Park. Mr. Harris reported that raw sewage is leaking out onto the ground near his property. He called the company that manages the Park on three different occasions with no one checking into this problem. Mr. Harris called the Health Department who came to investigate and had to dig up his septic tank to see if it was failing, only to find out that 4-5 mobile units were attached to his septic system. He had to replace his septic system; however, there is still raw sewage leaking from the mobile home park.

Jim Gregory expressed frustration with the Norfolk Southern Intermodal Facility. Mr. Gregory stated citizens have lived for two years with the threat that the intermodal facility will be built in Elliston. They need to know what decision the State has made regarding this facility as to where it will be built. The citizens deserve to know where they stand.

The Board of Supervisors asked the County Administrator what course of action they can take to help the residents who have concerns with the problems within the Riner Mobile Home Park. The County Administrator explained that several agencies will be involved, such as the Sheriff's Department, Health Department, and Social Services. He stated he will set up a meeting with the appropriate representatives to investigate the complaints.

There being no further speakers, the public address session was closed.

### **CONSENT AGENDA**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated August 11, 2008 was approved.

The vote on the foregoing motion was follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
William H. Brown	
Gary D. Creed	
John A. Muffo	
James D. Politis	
Mary W. Biggs	
Annette S. Perkins	

### **A-FY-09-15 SHERIFF PROJECT LIFESAVER**

On a motion by Doug Marrs, seconded by Mary W. Biggs, and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

321	Sheriff – Grants	\$475
-----	------------------	-------

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

4244010      Project Lifesaver      \$475

Said resolution appropriates Project Lifesaver Funds.

**A-FY-09-16**  
**SHERIFF'S DEPARTMENT**  
**SUPPLEMENTAL APPROPRIATION**

On a motion by Doug Marrs, seconded by Mary W. Biggs, and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

320      Sheriff - County      \$2,835

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02- 451203      Undesignated Fund Balance      \$2,835

Said resolution appropriates Sheriff's Department's funds that remained at June 30, 2008 for confidential investigation funds.

**A-FY-09-17**  
**HUMAN RESOURCES**  
**WELLNESS PROGRAM**

On a motion by Doug Marrs, seconded by Mary W. Biggs, and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

110      Human Resources – Wellness      \$24,178

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203 Undesignated Fund Balance      \$24,178



Said resolution appropriates monies received in FY 08 as incentives from the County's health insurance carrier to offset a portion of the costs of the County's Wellness program.

## **OLD BUSINESS**

**R-FY-09-18  
SPECIAL USE PERMIT  
DALE W. ALDERMAN  
FOR THE PURPOSE OF ALLOWING A CONTRACTOR'S STORAGE YARD  
AT 2980 PILOT ROAD IN THE SHAWSVILLE MAGISTERIAL DISTRICT  
PARCEL ID # 000474, TAX MAP NUMBER 108-A-25A**

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Dale W. Alderman request for a Special Use Permit (SUP) on 3.807 acres in an Agriculture (A-1) zoning district to allow a contractor's storage yard is hereby **approved** with the following conditions:

1. Special Use Permit authorizes use of the property for a residential contractor's storage yard and residential use only. No retail sales of any nature shall occur on site.
2. Employees shall be limited to six (6). Property shall contain no more than six (6) employee vehicles and no more than ten (10) pieces of construction equipment/vehicles at any time.
3. The contractor's storage yard shall not be open to the public and shall create no exterior impacts including noise, vibration, glare, odors, or electrical interference.
4. Equipment stored on the property shall be in good working condition and owned by the property owner. Equipment shall be stored only in areas designated for such storage on the concept plan dated July 8, 2008.
5. There shall be no outdoor storage of materials, tools, etc.
6. There shall be no trash, litter or debris stored on the site.
7. Repair work shall only be conducted on vehicles owned by the property owner. Unless manufactured as off-road vehicles, all vehicles stored on the property shall display current DMV plates, state inspection, and required Montgomery County decals in accordance with Montgomery County Code.
8. There shall be no storage of fuel onsite. The stream shall be protected from contaminants as required by local, state, or federal regulation.

9. Any lighting installed on-site shall be dusk to dawn, “full cut-off” type fixtures to avoid glare onto adjacent properties and Pilot Road.
10. Hours of operation shall be limited to 6:30 a.m. through 6:00 p.m.
11. Prior to construction of any new buildings on the property, owner shall obtain appropriate building permits, and/or other permits required by local, state, or federal regulation.
12. Entrance shall meet VDOT specifications.
13. Property owner shall plant a total of six (6) Weeping Willow (*Salix babylonica*) trees, or equivalent approved by the zoning administrator, along the creek bed area as shown on the Concept Plan dated July 8, 2008, revised July 31, 2008, to provide screening of storage yard from Pilot Road (SR 615). Trees shall be a minimum of 1.5” caliper at time of planting and planted with a minimum spacing of twenty-five (25) feet. All trees shall be planted by December 1, 2008 and shall be maintained in a viable condition by property owner.

The property is located at 2980 Pilot Road, identified as Tax Parcel No(s). 108-A-25A (Acct # 000474) in the Shawsville Magisterial District (District C).

The vote on the foregoing resolution was follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
James D. Politis	
Annette S. Perkins	

**R-FY-09-19  
SPECIAL USE PERMIT  
PHILLIPS FAMILY TRUST (AGENT: DEBBIE BALSER, NTELOS)  
FOR THE PURPOSE OF ALLOWING A  
100 FOOT TELECOMMUNICATIONS TOWER  
IN THE RINER MAGISTERIAL DISTRICT  
PARCEL ID # 014354, TAX MAP NUMBER 106-4-10B, 10A, 1\***

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Phillips Family Trust (Agent: Debbie Balser, nTelos) request for a Special Use Permit (SUP)

on 53.893 acres in an Agriculture (A-1) zoning district to allow a 100 foot tall telecommunications tower is hereby **approved** with the following conditions:

1. Tower shall not exceed a total overall height of 105 feet inclusive of the proposed lightening rod with a ground elevation of 2,068 ft. Tower shall not have lighting. Tower shall have a base diameter not to exceed 30 inches and a top diameter of 24 inches (proposed size requested from applicant).
2. Site development shall be in substantial conformance with the plans entitled, "nTelos Proposed 100' Monopole Tower, Riner – RN770, 3140 Riner Road", prepared by Terradon Corporation, dated April 17, 2008 and signed by Timothy T. White, P.E. on May 30, 2008 (Sheets P-1 and P-2 signed June 23, 2008).
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure. Tower shall be painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. No platforms or dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate.

The property is located east of Riner Road (Rt. 8), accessed by a private driveway located 200 feet south of 3148 Riner Road, and is identified as Tax Parcel No(s). 106- 4 10B,10A,1\* (Acct No. 014354), in the Riner Magisterial District (District D).

The vote on the foregoing resolution was follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
James D. Politis	
Annette S. Perkins	

### **NEW BUSINESS**

#### **R-FY-09-20 MONTGOMERY COUNTY BOARD OF SUPERVISORS AUTHORIZING LITERARY LOAN FUND APPLICATION**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

**WHEREAS**, Montgomery County, Virginia (**the “County”**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

**WHEREAS**, At a meeting of the Board of Supervisors of the County held on August 11, 2008, the Montgomery County School Board (**the “School Board”**) presented to the Board an application addressed to the Virginia Board of Education for the purpose of borrowing \$7,500,000 from the Literary Fund for the purpose set out in said application for the New Elliston – Lafayette & Shawsville Elementary School to be paid in 20 annual installments, and the interest thereon at 3 % paid annually.

**NOW THEREFORE, BE IT RESOLVED**, That the application of the School Board to the Virginia Board of Education for a loan of \$7,500,000 from the Literary Fund is hereby approved, and authority is hereby granted to the School Board to borrow \$7,500,000 for the purpose set out in said application.

The Board of Supervisors will each year during the life of this loan, at the time they fix the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

This resolution shall take effect immediately upon its passage.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Doug Marrs	
William H. Brown	
James D. Politis	
Gary D. Creed	
Annette S. Perkins	

**R-FY-09-21**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL PROJECTS FOR THE COUNTY**

On a motion by John A. Muffo, seconded by William H. Brown and carried unanimously,

**WHEREAS**, The County of Montgomery, Virginia (**the “County”**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

**WHEREAS**, The County has paid, beginning no earlier than (60 days prior to adoption of a reimbursement resolution), and will pay, on and after the date hereof, certain expenditures (**the “Expenditures”**) in connection with the acquisition of a certain capital projects, listed on the attached **Schedule A** for the County (**the “Projects”**); and

**WHEREAS**, The Board of Supervisors of the County (**the “Board”**) has determined that those moneys previously advanced no more than 60 days prior to the date of adoption of a reimbursement resolution and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the County for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (**the “Bonds”**).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA, AS FOLLOWS:**

Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County’s intent to reimburse the County with the proceeds of the Bonds for Expenditures with respect to the Projects made on and after the date which is no more than 60 days prior to the date of adoption of a reimbursement resolution. The County reasonably expects on the date hereof that it will reimburse itself for the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County, and (e) complies with all applicable Literary Fund regulations.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Projects is set forth on **Schedule A**.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Projects are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. The County previously adopted resolutions relating to its intent to reimburse itself for Expenditures on the Projects on August 25, 2003, December 15, 2003, November 16, 2005 and April 23, 2007, respectively, which are ratified, adopted and confirmed by reference in this resolution.

Section 6. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 11<sup>th</sup> day of August, 2008.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
William H. Brown	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	

**SCHEDULE A  
PROJECT**

<b>Description of Project</b>	Estimated Maximum Amount of Tax-Exempt Financing
<i>New Elliston-Lafayette &amp; Shawsville Elementary School</i>	<i>TOTAL \$25,735,000</i>

**R-FY-09-22  
MONTGOMERY-FLOYD REGIONAL  
LIBRARY BOARD APPOINTMENT**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Karen Drake** to the Montgomery-Floyd Regional Library Board effective August 12, 2008 and expiring June 30, 2012.

The vote on the foregoing resolution was follows:

**AYE**

Doug Marrs  
William H. Brown  
James D. Politis  
Gary D. Creed  
John A. Muffo  
Mary W. Biggs  
Annette S. Perkins

**NAY**

None

**R-FY-09-23  
PARKS AND RECREATION  
COMMISSION APPOINTMENT**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Leigh Shaw McCue-Weil**, who resides in District B, to the Parks and Recreation Commission effective August 12, 2008 and expiring August 11, 2011.

The vote on the foregoing resolution was follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

### **RECESS**

The Board took a 15 minute recess and reconvened at 8:35 p.m.

### **INTO WORK SESSION**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

#### **1. State Budget Cuts – FY 09**

The vote on the foregoing motion was follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Annette S. Perkins	

#### **State Budget Cuts – FY 09**

Marc Magruder, Budget Manager, provided information on the State budget cuts to localities. The 2008 Appropriation Act requires a \$50 million reduction in state aid to localities in FY 09 and FY 10. In April 2008, preliminary numbers indicated that Montgomery County's reduction would be approximately \$370,000 for FY 09. In July 08 the final reduction for Montgomery County is \$364,508. It is estimated that the FY 10 state reduction for Montgomery County is \$363,117. The State has provided three ways that localities can respond to the reduction as follows:



1. Take the reduction out of one or more programs listed by the Department of Planning and Budget (DPB).
2. Make a reimbursement payment directly to the state for the reduction amount.
3. Choose a combination of the two.

County staff surveyed 41 localities across the state to see how they are responding to the state cuts. Of those who responded, 17 are choosing to send a reimbursement check, 9 are choosing proportional reductions, 11 are undecided, and 4 are choosing other elections.

The County must inform the state its method of taking the reduction by August 30, 2008. If the County does not formally inform the state by October 1, 2008, the DPB is authorized to withhold the locality's reduction amount from the program deemed as most discretionary by the DPB.

Staff recommends that the Board of Supervisors adopt Option 1 – send a reimbursement check to the state. This option does not provide the state with the County's decision on where the cuts will be taken and it also makes it difficult for the state to make the cuts permanent. It is feared that if the state reduces the base amount received by agencies then they can justify keeping the reduced base the same in future years. If the County sends a reimbursement check then the state will not know which departments receiving state funds were cut; therefore, they will not be able to reduce the base budget.

Staff has also been working with the departments affected by the cut and how each department would accommodate the reduction. Staff will continue to work with these departments to determine the best way to address the cuts. Departments that are affected are the Registrar, Sheriff's Office, Commissioner of the Revenue, Commonwealth's Attorney, Clerk of Circuit Court, Treasurer, Library, Social Services, and Human Services – VJCCCA Grant. Also, the motor vehicle carrier tax, recordation tax, and the New River Valley Detention Home will be affected.

A resolution to consider the type of election for taking the cut will be added to the August 25, 2008 agenda.

### **OUT OF WORK SESSION**

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
James D. Politis	
Annette S. Perkins	

### **COUNTY ADMINISTRATOR'S REPORT**

**Eastern Montgomery Transportation Issues** - In June 2007, Supervisor Creed reported that Shelor Motor Mile donated a van to the community to address the transportation issues in eastern Montgomery County. Supervisor Creed asked if it would be feasible for the County to cover the costs of insurance and maintenance while volunteers could serve as drivers.

County staff explored several factors as follows:

1. Insurance Coverage-  
Would the County cover the van under the County's policy or would it be titled to a group and the County offer funding to assist with the cost.
2. Maintenance and Fuel Costs-  
Would the County treat the van as a County vehicle or provide funds to assist the community with these costs.
3. Use of RSVP volunteers-  
Would RSVP volunteers be able to serve as volunteer drivers for the community service.

#### **Insurance Coverage**

Jim McClellan with VACoRP, the County's insurer, was asked to comment on the proposal. VACoRP recommends against the County including the community van on the County's insurance policy for the following reasons:

1. Drivers could change frequently resulting in drivers being unfamiliar with the van, increasing the risk.
2. Drivers should be qualified to drive, (meeting criteria and undergoing DMV checks) and with volunteer drivers they may be allowed to drive without meeting the qualifying criteria.

3. It represents a high risk automobile to insure since it is carrying multiple passengers.
4. It raises concerns that multiple communities would want to have community vans carried under the County's insurance in a similar manner creating a much larger risk than one van.
5. There is a potential for a large loss due to multiple injuries.
6. If the van is a 15 passenger van, then they recommend no arrangement be made due to the rollover potential of this type of vehicle.

Based on the County's insurance carrier's comments, it appears that the County's best option is to reimburse the volunteer group the cost for insurance.

#### Maintenance and Fuel

1. County vehicles are assigned Wilco Hess gas cards for use by drivers; however, their use of the cards is governed by the County's internal control system. For volunteers using the vehicle intermittently without oversight through the County structure, and the fact that there are no Wilco Hess stations in Eastern Montgomery, a direct payment method may be a better option.
2. The County garage could provide maintenance for the vehicle; however, only county vehicles are currently maintained through the garage. It is not recommended that the County garage maintain the van because it would create on-going liability. The County's protection from tort liability under sovereign immunity would probably not be available.

#### Use of RSVP Volunteers

1. Over the past two years, RSVP has had only 5 volunteers who have assisted in driving vans. Of these, only one was from the Eastern Montgomery area and is no longer able to drive a van.
2. A recruitment effort could be held but it may prove to be difficult to recruit drivers who would commit to a regular schedule.

It is recommended that a driver roster be compiled before initiation of the van services.

#### **FISCAL IMPACT**

Calculation of the fiscal impact used estimates for following information:

- Miles per Gallon
- Estimated miles per week traveled

- Estimated gas price at \$4.00 per gallon

New River Valley Senior Services (NRVSS), provider of the area public transportation, estimated annual fuel cost at \$7,000 per year provided the vehicle was used on a regular basis. Using this benchmark, the number of weekly travel miles was estimated.

#### Fuel Costs

5 Days est 84 miles per day

<u>MPG</u>	<u>Gallons</u> <u>per Week</u>	<u>Miles</u> <u>per Week</u>	<u>5 Days</u> <u>Daily Miles</u>	<u>Weekly Cost</u> <u>at \$4.00</u>	<u>Annual</u> <u>50 weeks</u>
12	35	420	84	140	7,000

3 Days est 70 miles per day

<u>MPG</u>	<u>Gallons</u> <u>per Week</u>	<u>Miles</u> <u>per Week</u>	<u>3 Days</u> <u>Daily Miles</u>	<u>Weekly Cost</u> <u>at \$4.00</u>	<u>Annual</u> <u>50 weeks</u>
12	17.5	210	70	70	3,500

If included on the County insurance policy, the estimated cost is \$560 per year. The cost to the volunteer group most likely will be higher, but appears to be the most feasible.

NRVSS estimates annual maintenance costs at \$1,000. If maintenance was handled by the County garage, the cost may be lower.

Using these costs only, depending upon usage, could range from \$5,000 per year to \$9,000.

These estimates do not address ADA compliance, back-up services or other costs such as office space, telephone services, cell phone services, etc.

#### OTHER ISSUES

##### 1. ADA Compliance

Public transportation offered as a service from the County would require Americans with Disabilities Act (ADA) accommodation. Meeting this accommodation would require that the van be handicapped accessible as required by the Act or that an alternative service be available for those covered by the Act. ADA covers both public and private entities. Exemptions are private clubs and religious organizations. If the volunteers seeking this service would establish a private club, they could possibly receive an ADA exemption. The involvement of County dollars may result in loss of an exemption.

## 2. Back-up Plans

If the van breaks down on the road or is unavailable for trips or appointments, how would these incidents be handled or what alternative would be available? The volunteer group seeking this service would have to provide roadside assistance to collect passengers until the van is fixed. It may be possible to contract with a local church with a van/bus to provide this assistance.

## **SUMMARY**

This request for partial assistance to fund a new transportation initiative which the citizens of Eastern Montgomery County are seeking to develop is outside the normal budget cycle. The request can be approached using two possible processes. Advise the citizens that their request should be submitted in December to be included in the normal budget review or, review the citizen request outside the normal budget cycle.

The citizens of Eastern Montgomery County have stated that they will provide a van and drivers for the proposed transportation service to insure that costs are kept at a minimum and does not create a financial burden on the County. The citizens have agreed to pitch in via a public/private partnership to address this service issue in their portion of the County. I think it is important that the County participate in such partnerships where the BoS finds or determines that a greater service goal for the community is being addressed or the new service initiation fits within the BoS' goals and vision for the County.

The Board of Supervisors has been asked to provide minimal support by which an Eastern Montgomery County volunteer group is seeking to address the lack of transportation access for certain citizens of this region of the County.

The County has entered into a very successful partnership with Eastern Montgomery County citizens which has resulted in the development and opening of the Meadowbrook Facility. The County and citizens have successfully worked together to provide services to all citizens of Eastern Montgomery County.

As an offshoot of this success, the community has come together again to identify areas where services could be improved and added. As in the case of Meadowbrook, this volunteer group has come up with a van, thus continuing the citizen efforts to raise funds to help their service initiatives. The volunteer group is now asking the County to provide funding assistance to pay the van's operating expenses.

If the BoS wishes to move forward on this request, I would recommend the following course of action:

- Request for insurance coverage. Recommend donating to the volunteer group for cost of insurance. Recommend placing cap not to exceed \$1,000 per year.
- Provide via donation to the volunteer group cost to maintain the vehicle, not to exceed \$1,000.

- Fuel cost would be reimbursed to the Volunteer group, not to exceed \$3,500.
- The volunteer group will establish non profit corporation by which the volunteers can title van, obtain vehicle insurance, and establish an entity responsible for the operation of the van. The entity to be established must be eligible to receive donation from the BoS. The group needs to be a charitable institution or association located within the County that is not controlled in whole or in part by any church or sectarian society.
- The volunteer group would be asked to provide operational procedures by which volunteer drivers will be secured, reviewed and approved to drive. The operational procedures will also include hours of operation, defined service, citizen pickup area, defined transportation service area, process by which service calls are processed, emergency pick up if van is available.

It is recommended that, if the BoS authorizes this project to move forward, it do so as a one year pilot project. The project would be evaluated after one year to insure that the proposed transportation service is being efficiently and effectively operated. Performance measures such as number of riders, frequency of riders using the service, number of miles, the number of sites to be served, and how effective the service customers rate the service. If the responses and data for these performance measurements are not substantially met, the project would be discontinued. During the pilot year, the County will also be able to determine if the Mobility Manager grant from the Department of Rail and Public Transit (DRPT) being conducted by the New River Valley Planning District (PDC) has been completed. The County Administrator contacted the PDC and was told that the PDC anticipates signing a contract in late October 2008, with work commencing in November 2008, just as the Employment Mobility Study winds down. The PDC reports that one initial goal of the mobility project was to serve as a “one-stop call center” for transportation services across the region. DRPT has since requested the first year of the Mobility Manager be focused on a few goals potentially leading up to a “one-stop call center”. First, the Mobility Manager will compile a list of all the agencies providing services and who is eligible for those services. Second, system efficiencies will be identified to determine which agencies can work together to put more people in their vehicles. This will include inter-agency agreements for connecting services and sharing rides and exploring opportunities to share maintenance and training. Third, layout plan implement “one-stop call center” or broker type of system depending upon needs identified during 1<sup>st</sup> year process.

During the proposed pilot year, the County could work with the PDC and ascertain if the mobility manager program can either supplement or replace the proposed transportation program the Eastern Montgomery County citizens are proposing to establish.

If the BoS wishes to extend this service to Eastern Montgomery County, it will be setting a precedent for the remainder of the County. Such precedent would suggest that the County would have to be willing to offer this service with the same conditions to other portions of the County. As listed above, the estimated cost for this new service is \$5,500 annually.

During discussion, the Board agreed that a one year pilot program would be beneficial and would provide a model to other areas of the County. They authorized the County Administrator to move forward and draft a Memorandum of Understanding on the project. The Board requested periodic reports on the program to see how it is working.

### **Inmate Cleanup Project Update**

Captain Robbie Hall, Montgomery County Sheriff's Office, provided information on the progress of the Inmate Cleanup Program. Captain Hall reported that VDOT has completed mowing on several secondary roads in the County and therefore they will be able to start cleaning up the roads that were given to them by the Board of Supervisors. They started cleaning up Rt. 11 – Christiansburg Mountain today with Wayside and Cinnabar Road scheduled for the remainder of the week. Captain Hall reported they will provide a status sheet on the amount of trash collected. He reported that a total of 68 bags/980lbs of trash was picked up along Christiansburg Mountain today.

Supervisor Creed commended the Inmate Crew on a job well done in getting the road side cleaned up down Christiansburg Mountain.

Supervisor Perkins requested Catawba Road be added to the list of roads to be cleaned up.

**Huckleberry Trail – Dedication Park Bench** The dedication of the park bench on the Huckleberry Trail in honor of Cpl. Eric Sutphin is scheduled for August 19, 2008 at 5:00 p.m.

**Legislative Priorities for 2009** - Staff is drafting the legislative priorities for 2009 for Board review. It is recommended that the legislative priorities be adopted in September in order to forward to the Virginia Association of Counties (VACo) in October.

**2008 Bond Sale** is scheduled for August 12, 2008. Montgomery County received a positive response from the two top national bond rating agencies. It is estimated that the interest rates will be between 4.5% - 5% on the \$70 million to be issued.

**Joint Meeting with School Board** - A joint meeting with the School Board is tentatively scheduled for Tuesday, September 9, 2008 at 6:00 p.m. at the Eastern Montgomery High School.

### **BOARD MEMBERS' REPORTS**

**Supervisor Muffo** reported he will be attending a conference entitled Unleashing the Celtic Tiger hosted by Congressman Rick Boucher. The conference puts emphasis on enhancing economic development in our region based upon western Europe's success created by using the Celtic Tiger model.

Six Mile Loop Trail – Supervisor Muffo reported that the construction on Section 5 of the Six-Mile Loop Trail will begin in September 2008. A \$100,000 grant has been awarded for the construction of Section 5. The Committee is in the process of re-submitting the grant application requesting \$100,000 in grant funding for the construction of Section 4. The Board of Supervisors will be receiving a request to fund the County's share for the construction of Section 2 in the amount of \$2,500 in FY 2010. The Town of Blacksburg will also contribute their share towards this project. Supervisor Muffo pointed out that this trail will be a nice addition to the recreational activity in the County and is a good investment.

Supervisor Creed reported he is constantly getting calls from citizens about the cat problem in the County. The most asked question is "What do to with cats?" Where can they be taken and how can they get rid of stray cats?

Supervisor Biggs replied that she has been on the Board of Supervisors for 13 years and there has been no answer to the cat issue during her tenure.

The County Administrator reported that the County is aware of a problem with the feral/stray cat population. Currently, there is no answer to the problem because there is no county facility to house cats. County staff has been discussing options and is in the process of preparing a short term plan to be submitted in the FY 10 budget. Long- term solutions include the construction of a facility and hiring of additional animal control officers. The County only has three animal control officers. The County can, for a short-term solution, look into the trap/neuter/release program. This program traps cats, spays/neuters them and then release them back into community. This program helps stabilize feral cat colonies with the least possible cost to local government and residents, while providing the best life for the animals.

Supervisor Perkins asked if the County has looked into building a new facility for animals. The County Administrator responded that staff has looked at the possibility of a new facility for several years. It is estimated that a facility will cost \$1.5 - \$2 million. The County has a partnership with the Friends of Animal Care and Control to help with the Animal Shelter. They have been meeting on a regular basis and have had several fundraisers to help with the cost of a new shelter. The County Administrator stated there are public/private partnerships, such as the SPCA facility in Roanoke, that staff has been researching and planning to make a presentation to the Board in the future. This presentation can be made sooner if the Board so desires.

Supervisor Biggs expressed concerns about the feral cat population in the County. She believes it to be an embarrassment that Montgomery County does not have a facility in place. There are a number of people in the County, at their own personal expense, who trap feral cats and get them spayed/neutered. She stated that having a large university located in the County also contributes to the problem as students drop off cats and dogs at the end of every school year. Supervisor Biggs commented that not only is there a problem with cats but other animals as well. Just recently a citizen and police officer in Blacksburg were bitten by a rabid red fox. She believes the County needs to commit to doing something to solve this problem.

Supervisor Creed suggested that if there are groups willing to donate toward a new animal facility then the County could provide a matching amount.



The majority of the Board agreed that a larger facility needs to be built in order to house cats. By consensus of the Board, the County Administrator was instructed to move forward with a proposal on building a new animal facility and report back at a later date.

School Board Meeting – Supervisor Biggs reported that the enrollment updates have been provided by the School Board and only 2 additional teachers were hired for this school year.

Supervisor Marrs reported the Western Virginia Regional Jail is 69% complete and is still scheduled to open in March 09. He invited all Board members to tour the facility before it is completely finished so they can see all stages of the construction. The local jails are to remain open to keep from having to transport inmates to the Regional Jail on a daily basis. This will help keep down the operational costs.

Supervisor Brown commended the County Attorney's office for their job in collecting delinquent real estate taxes through the Bills of Equity and auctioning off properties. A total of \$400,000 was collected last year.

Supervisor Perkins reported she will be attending VACO's Resolutions Steering Committee meeting on August 22, 2008. They will be asking for localities' input on legislative priorities and will have a final draft in November.

Board Retreat – Supervisor Perkins stressed the need for a Board of Supervisors retreat. There are many issues and projects that need discussion between Board members. She pointed out that there is no need to leave the County in order to hold a retreat and that it does not have to cost a lot. She encouraged County Administration to start planning this and asked Board members to provide dates that they may be available.

## **ADJOURNMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, August 25, 2008 at 6:00 p.m.

The vote on the foregoing motion was follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

The Board adjourned at 9:50 p.m.

APPROVED: \_\_\_\_\_ ATTESTED: \_\_\_\_\_  
Annette S. Perkins B. Clayton Goodman, III  
Chair County Administrator